

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

ATTORNEY'S DOCKET NUMBER

A-9488

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/528422

INTERNATIONAL APPLICATION NO.  
PCT/AU2003/001187INTERNATIONAL FILING DATE  
10 September 2003PRIORITY DATE CLAIMED  
20 September 2002TITLE OF INVENTION  
SURGICAL SCALPEL WITH RETRACTABLE GUARDAPPLICANT(S) FOR DO/EO/US  
Bruce L. Kiehne

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☐ Other items or information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><div style="font-size: 2em; font-weight: bold; text-align: center;">10/528422</div>   |              | INTERNATIONAL APPLICATION NO.<br><div style="font-weight: bold; text-align: center;">PCT/AU2003/001187</div> |  | ATTORNEY'S DOCKET NUMBER<br><div style="font-weight: bold; text-align: center;">A-9488</div>  |  |               |            |           |  |           |  |           |  |             |  |
|--|--------------|--|--|---|--|---------------|------------|-----------|--|-----------|--|-----------|--|-------------|--|
| 24. The following fees are submitted:<br><input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00<br><input checked="" type="checkbox"/> b) Examination fee ..... \$200.00<br><input checked="" type="checkbox"/> c) Search fee ..... \$500.00<br><div style="text-align: right; font-weight: bold;">TOTAL OF ABOVE CALCULATIONS = \$1000.00</div>   |              |  |  | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Applicant use</th> <th style="width: 50%;">Office use</th> </tr> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 500.00</td> <td></td> </tr> <tr> <td>\$ 1,000.00</td> <td></td> </tr> </table> |  | Applicant use | Office use | \$ 300.00 |  | \$ 200.00 |  | \$ 500.00 |  | \$ 1,000.00 |  |
| Applicant use  | Office use   |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| \$ 300.00  |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| \$ 200.00  |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| \$ 500.00  |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| \$ 1,000.00  |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole)                                       | RATE   |   |  |               |            |           |  |           |  |           |  |             |  |
| - 100 =  | /50 =        |  | x \$250.00   |   |  |               |            |           |  |           |  |           |  |             |  |
|  |              |  | \$ 0.00  |   |  |               |            |           |  |           |  |           |  |             |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |  | \$  |  |               |            |           |  |           |  |           |  |             |  |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE   |   |  |               |            |           |  |           |  |           |  |             |  |
| Total claims   | 14 - 20 =    | 0  | x \$50.00  | \$ 0.00   |  |               |            |           |  |           |  |           |  |             |  |
| Independent claims   | 4 - 3 =      | 1  | x \$200.00   | \$ 200.00   |  |               |            |           |  |           |  |           |  |             |  |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |  | \$ 0.00   |  |               |            |           |  |           |  |           |  |             |  |
| TOTAL OF ABOVE CALCULATIONS =  |              |  |  | \$ 1,200.00   |  |               |            |           |  |           |  |           |  |             |  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |  | \$ 600.00   |  |               |            |           |  |           |  |           |  |             |  |
| SUBTOTAL =   |              |  |  | \$ 600.00   |  |               |            |           |  |           |  |           |  |             |  |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |  | \$ 0.00   |  |               |            |           |  |           |  |           |  |             |  |
| TOTAL NATIONAL FEE =   |              |  |  | \$ 600.00   |  |               |            |           |  |           |  |           |  |             |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |  | \$ 0.00   |  |               |            |           |  |           |  |           |  |             |  |
| TOTAL FEES ENCLOSED =  |              |  |  | \$ 600.00   |  |               |            |           |  |           |  |           |  |             |  |
| Amount to be refunded:   |              |  |  | \$  |  |               |            |           |  |           |  |           |  |             |  |
| Amount to be charged:  |              |  |  | \$  |  |               |            |           |  |           |  |           |  |             |  |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____<br>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-2455</u> . A duplicate copy of this sheet is enclosed.<br>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |  |  |   |  |               |            |           |  |           |  |           |  |             |  |
| SEND ALL CORRESPONDENCE TO:<br><b>HOFFMAN, WASSON &amp; GITLER, P.C.</b><br>2461 South Clark Street<br>Suite 522 - Crystal Center 2<br>Arlington, Virginia 22202<br>(703) 415-0100   |              |  | <div style="font-size: 1.5em; font-family: cursive;">Martin P. Hoffman</div> SIGNATURE<br><b>Martin P. Hoffman</b><br>NAME<br><b>22,261</b><br>REGISTRATION NUMBER |   |  |               |            |           |  |           |  |           |  |             |  |